

HEARST

Office of
General Counsel

Nathaniel S. Boyer
Counsel

Eve Burton
Senior Vice President
Chief Legal Officer

December 18, 2018

Catherine A. Bostron
Corporate Secretary

VIA ECF

Jonathan R. Donnellan
Mark C. Redman
Vice Presidents and
Co-General Counsel

Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Kenan J. Packman
Maureen Walsh Sheehan
Ravi V. Sitwala
Jack Spizz
Associate General Counsel

Re: ***Otto v. Hearst Communications, Inc.*, Case No. 1:17-cv-4712-GHW**
Joint Request for Adjournment of Deadline
to Submit Joint Pre-Trial Order and Additional Submissions

Debra S. Weaver
Senior Counsel

Dear Judge Woods:

Sultan Barazi
Liddy Barrow*
Nathaniel S. Boyer
Lisa Bozman
Andrea Chui
Adam Colón
Travis P. Davis
Ignacio Diaz*
Carolene S. Eaddy
Carl G. Guida
Audra B. Hart
Diego Ibargüen
Monika Jedrzejowska
Siu Y. Lin
Miyuki Matsumoto
Kate Mayer
Marianne Chow Newman
Aimee Nisbet*
Sarah S. Park
Shira R. Saiger
Eva M. Saketkoo
Evan Saucier
Jennifer Schanes
Aryn Sobo
Jennifer G. Tancredi
Federica Tigani*
Kitty Yang*
Stephen H. Yuhan
Counsel

We represent Defendant Hearst Communications, Inc. (“Hearst”) in the above-referenced proceeding, in which the Court entered an Opinion and Order resolving the parties’ motions for summary judgment on December 11, 2018. *See* Doc. No. 85 (the “Order”). We write on behalf of both parties to request that the deadline for pre-trial submissions be adjourned or extended. The Order left the issue of damages to be tried. Although the Court has not yet scheduled the trial, the Court’s Individual Rule 5 and the Court’s scheduling order in this case (*see* Doc. No. 12) affix the deadline for the parties’ submission of the proposed joint pre-trial order, along with many other submissions (collectively, the “Pre-Trial Materials”), at 21 days after entry of the Order, which is January 2, 2019.

We request that the Court enter an order adjourning *sine die* the deadline for the submission of the Pre-Trial Materials, pending the Court’s entry of an order setting a trial date and deadline for the submission of the Pre-Trial Materials sufficiently far in advance of the start of trial as the Court determines to be warranted. In the alternative, the parties request that the deadline for the submission of the Pre-Trial Materials be extended to March 4, 2019. This is the first request any party has made for an extension of this deadline.

300 West 57th Street
New York, NY 10019
T 212.649.2030
F 212.649.2035
nathaniel.boyer@hearst.com

Hon. Gregory H. Woods
December 18, 2018
Page 2

The parties require additional time to prepare the Pre-Trial Materials (which are substantial) in light of the upcoming holidays and other significant professional commitments. Of course, the parties want to ensure that the Court receives the Pre-Trial Materials well in advance of trial—which is why the parties propose that the Court affix the deadline for the Pre-Trial Materials based on the trial date, once the Court schedules it.

Counsel for plaintiff Jonathan Otto has reviewed this letter, and joins in this request. The parties have also conferred regarding the anticipated length of the trial, and we expect that it will take approximately three days to complete. Additionally, if the Court were to identify the months in which it is considering scheduling the trial, the parties would be pleased to provide the Court with any existing conflicts during those months.

Respectfully submitted,

/s/ Nathaniel S. Boyer
Nathaniel S. Boyer